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DISTRICT OF UTAH

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*Attorneys for Plaintiff The SCO Group, Inc.*

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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THE SCO GROUP, INC.,  
a Delaware corporation,

Plaintiff,  
vs.

INTERNATIONAL BUSINESS MACHINES  
CORPORATION, a New York corporation,

Defendant.

**PLAINTIFF'S MOTION FOR  
ENLARGEMENT OF TIME TO  
RESPOND TO IBM'S AMENDED  
COUNTERCLAIMS AGAINST  
SCO**

Case No. 03-CV-0294

Hon: Dale A. Kimball  
Magistrate Judge Wells

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Plaintiff/Counterclaim Defendant, The SCO Group, Inc. ("SCO"), through its undersigned counsel, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and applicable Local Rules, files this Motion for Enlargement of Time to Respond to Defendant IBM's Amended Counterclaims against SCO, and in support states:

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1. On September 23, 2003, the Court granted SCO to October 15, 2003, to respond to the Counterclaims raised by International Business Machines Corporation ("IBM") in its Answer to the Amended Complaint and Counterclaim-Plaintiff IBM's Counterclaims against SCO

2. Two days later, on September 25, 2003, IBM filed and served SCO with Amended Counterclaims.

3. The Amended Counterclaims contained additional causes of action not included in the counterclaims as originally filed.

4. SCO should be allowed an additional seven business days to October 24, 2003, to respond to the new Counterclaims.

5. No prejudice will come to IBM by the granting of the requested enlargement, and the grant of this Motion will not affect the schedule in this case.

6. SCO respectfully requests an extension of time to October 24, 2003, to respond to IBM's Amended Counterclaims.

DATED this 14<sup>th</sup> day of October, 2003.

Respectfully submitted,

By:



HATCH, JAMES & DODGE, P.C.

Brent O. Hatch

Mark F. James

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Stephen N. Zack

Mark J. Heise

*Counsel for Plaintiff/Counterclaim Defendant*

## **CERTIFICATE OF SERVICE**

Plaintiff, The SCO Group, Inc. hereby certifies that a true and correct copy of

**PLAINTIFF'S MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO IBM'S AMENDED COUNTERCLAIMS AGAINST SCO** was served on Defendant International Business Machines Corporation on this 14<sup>th</sup> day of October, 2003, by facsimile and U.S. Mail, first class, postage prepaid, on their counsel of record as indicated below:

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